

Message Text

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ORIGIN VO-03

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P 191747Z SEP 74

FM SECSTATE WASHDC

TO AMEMBASSY KUWAIT PRIORITY

UNCLAS STATE 206500

VISAS

E.O. 11652:N/A

TAGS: CVIS, KU

SUBJECT: EXTENSION OF REENTRY PERMIT

REF: KUWAIT 3955

1. INS DELEGATED AUTHORITY TO CERTAIN CONSULAR OFFICES TO EXTEND PERMITS TO REENTER, AS DESCRIBED ITEM 2, SERVICES FOR I.N.S., APPENDIX D 9 FAM. CONSULAR OFFICERS NOT AUTHORIZED, HOWEVER, TO RENDER FINAL DECISION AS TO WHETHER IN GIVEN CASE PERMIT MAY NOT OR SHOULD NOT BE EXTENDED. THIS IS SOLE PEROGATIVE OF INS. ACCORDINGLY, DEPARTMENT ASSUMES PERMIT TO REENTER THIS CASE HAS BEEN SENT TO INS OFFICE OF ISSUANCE WITH REPORT OF FACTS, AS REQUIRED BY ITEM 2.5 OF CITED REFERENCE. EMBASSY REQUESTED CONFIRM THIS.
2. THERE IS NOTHING IN INA OR ANY OTHER US LEGISLATION THAT REQUIRES AN ALIEN, ONCE LAWFULLY ADMITTED FOR RESIDENCE ON IMMIGRANT VISA, TO APPLY FOR UNITED STATES CITIZENSHIP. CONSEQUENTLY, QUESTION BY CONSULAR OFFICER ON THIS POINT IS IRRELEVANT.
3. FROM LIMITED FACTS CITED REFTEL, DEPARTMENT QUESTIONS UNCLASSIFIED

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CONSULAR OFFICER'S DECISION AGAINST EXTENSION OF PERMIT.

THE ALIEN'S "LONG ASSOCIATION WITH U.S.", WHICH HAS

APPARENTLY EXISTED FOR SOME THIRTY YEARS SINCE HE FIRST CAME AS A STUDENT, AND OF WHICH LAST SIXTEEN WERE APPARENTLY WHILE IN LAWFUL RESIDENT ALIEN STATUS, IT WOULD APPEAR ALIEN HAS A RESIDENCE TO WHICH HE HAS EVERY INTENTION OF RETURNING.

4. ONLY INS MAY RELIEVE AN ALIEN OF HIS FORM I-151 OR PERMIT TO REENTER. THIS IS DONE FREQUENTLY AND MOST USUALLY AT PORT OF ENTRY AND ONLY WHEN SERVICE CONVINCED ON BASIS HARD FACTS THAT ALIEN HAS ABANDONED HIS RESIDENCE. WHENEVER QUESTIONABLE CASE ARISES IN CONNECTION WITH APPLICATION FOR EXTENSION OF PERMIT TO REENTER AND CONSULAR OFFICER BELIEVES APPLICATION SHOULD BE DEFERRED TO INS, AND BASICALLY THIS SHOULD BE ONLY FOR REASONS DESCRIBED ITEM 2.7, OFFICER SHOULD SO REFER CASE WITH ALL FACTS TO INS.

5. DEPARTMENT WOULD INTERPOSE NO OBJECTION TO CONSULAR OFFICER REPORTING INDEPENDENTLY AND DIRECTLY TO APPROPRIATE INS DISTRICT OFFICE OR PORT OF ENTRY PERTINENT FACTS THAT MAY COME TO ATTENTION OUTSIDE NORMAL APPLICATION FOR EXTENSION PROCEDURE WHICH MIGHT BE HELPFUL TO INS IN REACHING DECISIONS ON ADMISSIBILITY AS RETURNING RESIDENTS, BUT CONSULAR OFFICER IS CAUTIONED TO RESTRICT SUCH REPORTING TO FACTS AND NOT HIS PERSONAL FEELINGS.

6. IF YOU STILL HAVE ALIEN'S APPLICATION AND SOON-TO-EXPIRE PERMIT, RECOMMEND EARLIER DECISION BE REVIEWED IN LIGHT OF FOREGOING COMMENTS. REPORT FINAL ACTION TAKEN. KISSINGER

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